

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

JOHN PEROTTI,	:	Case No. 1:18-cv-482
	:	
Plaintiff,	:	Judge Timothy S. Black
	:	Magistrate Judge Karen L. Litkovitz
vs.	:	
	:	
CHIEF INSPECTOR ROGER WILSON,	:	
<i>et al.</i> ,	:	
	:	
Defendants.	:	

**DECISION AND ENTRY
ADOPTING THE REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE (Doc. 46)**

This case is before the Court pursuant to the Order of General Reference to United States Magistrate Judge Karen L. Litkovitz. Pursuant to such reference, the Magistrate Judge, on February 24, 2020, submitted a Report and Recommendation. (Doc. 46).

On September 3, 2019, Defendants filed a Notice of Suggestion of Death Upon the Record, indicating that the sole remaining Plaintiff in this matter, John Perotti, had passed away on July 20, 2019. (Doc. 42). On November 6, 2019, the Magistrate Judge ordered Defendants to serve the Notice of Suggestion of Death on the successor representative of Mr. Perotti and to provide notice of service on the record. (Doc. 44)

On November 21, 2019, a Notice of Suggestion of Death was filed with the Court and served on Mr. Perotti's next of kin. (Doc. 45). The Report and Recommendation indicates that more than ninety days have passed since the filing of the Notice of Suggestion of death, and no motion for substitution has been filed with the Court.

Accordingly, the Magistrate Judge recommends dismissing and closing this matter on the docket. (Doc. 46).

As required by 28 U.S.C. § 636(b) and Fed. R. Civ. P. 72(b), the Court has reviewed the findings of the Magistrate Judge. Upon consideration of the foregoing, the Court does determine that the Report and Recommendation (Doc. 46) should be and is hereby **ADOPTED** in its entirety.

Accordingly, for the reasons stated above:

- 1) This civil action is **DISMISSED**;
- 2) The Clerk shall enter judgment accordingly, whereupon this case is **TERMINATED** from the docket of this Court.

IT IS SO ORDERED.

Date: 5/7/2020

s/Timothy S. Black
Timothy S. Black
United States District Judge